

## INSTRUCTIONS FOR DOMESTIC VIOLENCE TEMPORARY RESTRAINING ORDERS (DVTRO)

**Warning:** If you are a victim of domestic violence, you should not try to complete these forms by yourself. The way you mark the boxes and the information you provide, may limit the Court's ability to make orders on your behalf. There is help available. You should either consult an attorney or ask for free help at any of the DOMESTIC VIOLENCE TEMPORARY RESTRAINING ORDER CLINICS operated at each Court location in this County. The Family Law Facilitator is also available to help you. See additional information below.

If you choose to complete the Domestic Violence Temporary Restraining Order (DVTRO) forms without assistance, please read the following:

1. Before you begin, read the forms and this instruction sheet completely. Remember to type or print clearly.
2. This DVTRO application can be used to open a new case or, if you already have a dissolution (divorce), legal separation, nullity, paternity or Department of Child Support Services case with the person to be restrained, your application must be filed in that case. If you have an existing case, put that case number on each of the forms.
3. Fill out the following forms from the DVTRO packet:
  - FAMILY LAW CERTIFICATE OF ASSIGNMENT (D-49)
  - TEMPORARY RESTRAINING ORDER AND NOTICE OF HEARING (DV110)
  - REQUEST FOR ORDER (DV100)
  - ADDITIONAL DECLARATION FORM (DV101, if needed)
  - CONFIDENTIAL CLETS INFORMATION (DV260)
  - ORDER FOR REMOVAL (D-72, If you also need the person to be restrained removed from your residence.)

If you have minor children with the person to be restrained, you must fill out the additional forms:

- CHILD CUSTODY, VISITATION AND SUPPORT REQUEST (DV105)
  - CHILD CUSTODY AND VISITATION ORDER (DV140)
4. Put your name as the "Person asking for protection" and "Protected Person." List the other individuals in your home that you wish to be protected. Put the name of the person you wish to have restrained as the "Person you want protection from."
  5. Please Note: All the reasons why the Court should grant your request for a restraining order must be described under #22 in your Request for Order

(DV100).. Start with the most recent incident of violence or threat. State the date of the incident and describe in detail what happened. Simply writing that the other party was violent or threatened you is not enough. You must give specific details. Use the ADDITIONAL DECLARATION (DV101 or MC020) form if you need additional space to tell your story. You will not be able to tell the Court what happened at the time of your hearing: everything you want to tell the Court must be in your Request for Order.

6. Filing completed forms: If you and the person to be restrained have no existing family law case in San Diego County, or if your only existing case is a case through the local Child Support Enforcement Agency or another DVTRO case, go to the business office of the court closest to your home. If you and the person to be restrained have any other existing family law case, go to the court where your existing case is filed and present your forms to the clerk. There is no fee to file a DVTRO. See court locations listed under Family Law Facilitator on the next page.
7. Your temporary restraining order application will be presented to a judicial officer for signature. If the Court grants a DVTRO, clerk's office will provide copies, and set a hearing date. You must arrange to have the restrained person served with a copy of the temporary restraining order prior to that hearing date.
8. The clerk will direct you to the Sheriff's Office, to make arrangements to have the DVTRO served on the restrained person. There is no fee for this service, but you will need to complete the form titled Instructions for Service (C-1A) and Request for Free Service of the Order and Injunctions (CIV46) to present to the Sheriff's Office with your paperwork.
9. Remember: You must appear on the court hearing date. If you do not, your temporary restraining order will expire on the date of the court hearing. If you were not able to arrange for the restrained person to be served prior to your court hearing, go to the hearing anyway and ask the court for additional time to serve. The court will usually set another hearing date and extend your temporary restraining orders to give you more time to serve the restrained person.
10. On the date of your hearing, the Court may issue permanent restraining orders for a period of up to three years and will set a specific expiration date. You must prepare a form called Restraining Order After Hearing. A copy of the Restraining Order After Hearing must be given to the Sheriff's Department. If you have children with the restrained person, you may need to prepare additional attachments. If you feel the need to extend these orders for another three-year period, return to Court 60 days prior to the expiration date. No additional incidents of violence need to be shown to obtain an extension on the original restraining orders.

11. Keep a copy of your restraining orders with you at all times. If the restrained person violates the order, telephone the Police and give them your case number.

### **DOMESTIC VIOLENCE RESTRAINING ORDER CLINICS**

Madge Bradley Building  
1409 Fourth Avenue  
San Diego, CA 92101  
Monday through Friday  
8:30 a.m. – noon; 1:00 p.m. – 4:30 p.m.

North County Courthouse Annex  
325 South Melrose Drive  
Vista, CA 92083  
Monday through Friday  
8:30 a.m. – 2:30 p.m.

East County Courthouse  
250 East Main Street  
El Cajon, CA 92020  
Monday through Friday  
9:00 a.m. – noon; 1:00 – 4:00 p.m.

South County Courthouse  
500 3<sup>rd</sup> Avenue  
Chula Vista, CA 91910  
Monday through Friday  
10:30 a.m. – 1:00 p.m.

### **FAMILY LAW FACILITATOR**

The San Diego Superior Court operates this program. Assistance is provided on an emergency basis for domestic violence victims if the Restraining Order Clinic is unable to assist.

Hours: Monday – Friday 8:30 a.m. – 12:00 p.m. and 1:30 p.m. – 4:30 p.m.

See [Business Hours](#) for locations and phone numbers.